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May 23, 2023

BY ECF

Honorable Robyn F. Tarnofksy
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Sheldon Goldstein v. Montefiore Medical Center, and Matthias Eikermann, 22-cv-06723 (AT)*

Dear Judge Tarnofksy:

We represent Defendants Montefiore Medical Center and Matthias Eikermann in the above-reference litigation. We write pursuant to Section V (M) of Your Honor's Individual's Rules to seek an adjournment of the settlement conference currently scheduled for May 30, 2024, at 2:00pm. Plaintiff's counsel has consented to this adjournment.

Defendants require an adjournment of this conference because both Dr. Eikermann, the individual defendant in this matter, and David Brodsky, Vice President, Employee and Labor Relations at Montefiore Health System (the Corporate Representative) are no longer available on this date. As a result of Dr. Eikermann's job responsibilities as Chair of the Department, he is now needed at the ICU, and cannot appear at the conference in person or via telephone. Mr. Brodsky also has limited availability on that date as he now must attend a mandatory collective bargaining session on behalf of Montefiore that evening, requiring him to leave the settlement conference by 4:00pm, which we don't believe would be fruitful.

As per Your Honor's Individual Rules, the parties propose the following alternative date for the settlement conference: July 15.¹ If, however, this date does not work for Your Honor, we will provide additional dates.

¹ We apologize for only providing one date, but due to the number of individuals that are required to attend this conference and their respective schedules, we are still working on gathering additional dates and will email TarnofksyNYSDChambers@nysd.uscourts.gov accordingly.

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We also request that the deadline for settlement conference submissions be adjourned accordingly.

We apologize for any inconvenience this may cause.

Thank you for your consideration.

Sincerely,

Melissa Friedland

Melissa Friedland

cc: ALL COUNSEL OF RECORD

On April 17, 2024, the parties requested that the settlement conference that was then scheduled for May 2, 2024 (after having being rescheduled at the parties' request from March 22, 2024) be rescheduled for May 30, 2024. (ECF 46.) I granted that request (ECF 47), and now, slightly more than a month later, the parties seek to adjourn the settlement conference yet again, citing unavailability of necessary participants. (ECF 51.) The repeated requests to reschedule reflect a troubling lack of consideration for the Court's time. Nevertheless, the settlement conference is adjourned to a date to be determined. I am not available to hold a settlement conference on the proposed date, and so the parties are directed, by **May 28, 2024**, to provide three alternative dates by email to TarnofskyNYSDChambers@NYSD.USCOURTS.GOV. The parties are not, however, excused from making the required ex parte settlement submissions. As a courtesy, the deadline for making those submissions is extended nunc pro tunc until **May 28, 2024**. Plaintiff's submission shall include, in addition to the items specified in my form of ex parte settlement submission, the effect of prior counsel's lien on the prospects for settlement. In addition, by **June 14, 2024**, all counsel shall meet face to face for at least one hour to discuss settlement, and they shall file a letter on the docket by **June 17, 2024** confirming that this meeting has taken place. If counsel's settlement conversation is unsuccessful, the parties may, if they wish, make updated ex parte settlement submissions five days before the rescheduled settlement conference. I also remind the parties that, pursuant to Judge Torres' Individual Rules, their Joint Pretrial Order is due within 30 days of the close of all discovery or within 30 days of the Court's decision on any dispositive motion; since no party filed the required premotion conference request in connection with a summary judgment motion within 14 days of the close of fact discovery, and therefore no summary judgment motion appears to be contemplated, the deadline for the Joint Pretrial Order is July 30, 2024. The Clerk of Court is respectfully requested to terminate ECF 51.

Date: 05/24/2024
New York, NY

SO ORDERED


ROBYN F. TARNOFSKY
UNITED STATES MAGISTRATE JUDGE